

FILED  
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JULIA C. DUDLEY, CLERK  
BY: /s/ J. JONES  
DEPUTY CLERK

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA

**JASON KESSLER**

and

**DAVID MATTHEW PARROTT**

Plaintiffs,

v.

**CITY OF CHARLOTTESVILLE,**  
**TARRON J. RICHARDSON**, *in his*  
*official capacity*, **AL S. THOMAS** *in his*  
*individual capacity*, **BECKY CRANNIS-CURL**  
*in her individual capacity*, **MAURICE JONES**  
*in his individual capacity*.

Defendants.

Case No.: 3:19-cv-00044  
Judge Norman K. Moon

**COMPLAINT WITH  
JURY DEMAND**

**This action was previously filed and was assigned case #3:18-cv-00107**

**PARTIES**

1. Plaintiff Jason Kessler is a resident of the state of Maryland
2. Plaintiff David Matthew Parrott is a resident of the state of Indiana.
3. Defendant City of Charlottesville is a municipality located in the Commonwealth of Virginia. It is sued via a Monell claim due to the misconduct of its City Manager. As a matter of Virginia law, Charlottesville's City Manager is its final policy maker.
4. Defendant Tarron J. Richardson is the current City manager of Charlottesville VA. He is sued in his official capacity due to the misconduct of his predecessor in office, Defendant Maurice Jones.
5. Defendant Al Thomas was the Chief of Police of Charlottesville VA,

during all relevant times. He is sued in his individual capacity.

6. Defendant Becky Crannis-Curl is a Virginia State Trooper (“VSP”) holding the rank of Lieutenant at all relevant times. She is sued in her individual capacity.

7. Defendant Maurice Jones was the City Manager of Charlottesville VA during all relevant times. He is sued in his individual capacity.

### **NATURE OF ACTION**

8. This action is filed by Plaintiffs Jason Kessler and David Matthew Parrott against Defendants for violation of their First Amendment rights by means of engaging in and/or acquiescing in a hecklers veto during the “Unite the Right” rally in Charlottesville VA on August 12, 2017.

9. Mr. Kessler wished to speak, hear others speak, and engage in expressive political activity in opposition to a proposal by Charlottesville City Council to remove the statue of Confederate General Robert E. Lee from the former Lee Park in Charlottesville and planned to do so in Charlottesville August 12, 2017.

10. Mr. Parrott wished to engage in expressive political activity in support of Mr. Kessler and to hear persons scheduled to speak at the event make their presentations and planned to do so on August 12, 2017.

11. The Plaintiffs political message is generally referred to as “Alt-Right”.

12. Many consider Alt-Right political messaging to be offensive due to its liberal use of racially and religiously offensive language.

13. A small portion of those who dislike Alt-Right political messaging are known as “Alt-Left” or Antifa. So disturbed are the Antifa about Alt-Right politics that Antifa makes it its explicit mission to deny Alt-Right persons the ability to speak in public places.

14. Antifa is explicit in its willingness to use violence to deny Alt-Right persons

the right to speak in public.

15. Antifa uses phrases such as “by any means necessary” and “punch a Nazi”<sup>1</sup> to communicate their intention to use, and approval of the use of, physical violence to impede or prevent Alt-Right persons from engaging in speech on public property.

16. Defendants knew, and intended, that Antifa groups would come Charlottesville on August 12, 2017 and, “by any means necessary”, stop or attempt to stop the Plaintiffs from exercising their free speech rights.

17. Defendants planned to, and did, use the expected and foreseeable confrontations between Antifa and Alt-Right to declare the Unite the Right rally to be an “unlawful assembly” or to declare a “state of emergency”. Defendants did this purely due to their objection to the content of Plaintiffs speech.

### **JURISDICTION AND VENUE**

18. This Court has subject matter jurisdiction pursuant to 28 U.S.C § 1331, 1343, and 42 U.S.C. §1983.

19. Venue is proper in the Western District of Virginia, pursuant to 28 §U.S.C. 1391 because a substantial part of the events giving rise to these claims occurred in this District.

### **FACTUAL ALLEGATIONS**

20. On information and belief, Plaintiffs make the following factual allegations.

21. Antifa is a well-known and violent group of people with similar beliefs who consistently and predictably engage in violent actions to suppress the free speech rights of anyone Antifa deems unworthy of a public platform.

22. Antifa uses violent rhetoric to rally its members and other sympathetic persons to the cause of “smashing the patriarchy.” Antifa uses language such as “punch a

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<sup>1</sup> To Antifa/Alt-Left members, any Alt-Right person is considered a Nazi.

Nazi”, “no platform for hate”, “by any means necessary” and other similar phrases to indicate its intentions.

23. Antifa has repeatedly put its violent rhetoric into practice at Alt-Right or even ordinary conservative political rallies and events.

24. On January 20th, 2017, during the presidential inauguration, Antifa members rioted in downtown Washington D.C., leading to the arrest of at least 217 people. Six police officers were injured in the riots. According to CNN, “... black-clad "Antifascist" protesters smashed storefronts and bus stops, hammered out the windows of a limousine and eventually launched rocks at a phalanx of police lined up in an eastbound crosswalk.” Antifa “attempted to shut down entrances” to inaugural festivities<sup>2</sup>

25. On February 1<sup>st</sup>, 2017 prior to a planned speech by an Alt-Right speaker at the University of California at Berkeley, Antifa members devastated the campus, causing approximately \$100,000 in damages. Black-clad protesters wearing masks threw fireworks and rocks at police. Some even hurled Molotov cocktails that ignited fires. They also smashed windows of the student union center on the Berkeley campus where political speech was to be held. At least six people were injured. The violent protesters tore down metal barriers, set fires near the campus bookstore and damaged the construction site of a new dorm. One woman wearing a red Trump hat was pepper sprayed in the face while being interviewed by CNN affiliate KGO.<sup>3</sup>

26. On March 4<sup>th</sup>, 2017 in Berkeley, California, a pro-Trump march was violently disrupted by Antifa rioters. Berkeley Police Officer Byron White said 10 arrests were made: one for resisting arrest, four for assault with a deadly weapon, including a dagger, and five for battery. Other items, such as bricks and baseball bats, were confiscated as well.<sup>4</sup>

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<sup>2</sup> <https://www.cnn.com/2017/01/19/politics/trump-inauguration-protests-womens-march/index.html>

<sup>3</sup> <https://www.cnn.com/2017/02/01/us/milo-yiannopoulos-berkeley/index.html>

<sup>4</sup> <https://www.washingtonpost.com/news/post-nation/wp/2017/03/05/pro-trump-rally-in-berkeley-turns->

27. Antifa showed up to and violently disrupted other events they deemed unworthy of public space prior to August 12, 2017 including, but not limited to, May 1, 2017 in Portland OR<sup>5</sup>, and July 8, 2017 in Charlottesville VA.<sup>6</sup> More than twenty Antifa were arrested in Charlottesville, four on felony charges. Charlottesville police Lt. Durette reported that Antifa threw tomatoes and water bottles, and spit on police officers.<sup>7</sup>

28. Lt. Durette also observed “Thank God we parked (the people being assaulted by Antifa) in the (parking) garage or else we probably would have had to shoot someone” to get the non-Antifa persons out safely.<sup>8</sup>

29. After the July 8, 2017 event in Charlottesville defendant Al Thomas stated he was not going to protect rally participants from Antifa on August 12, 2017.<sup>9</sup>

30. Defendants were aware of Antifa’s violent history and tactics.

31. Defendants were aware numerous known Antifa groups would be in Charlottesville for the specific purpose of imposing a heckler’s veto on the Plaintiff’s on August 12, 2017.<sup>10</sup>

32. Defendant Al Thomas shared news of what Antifa could be expected to do in Charlottesville on August 12, 2017 with then City Manager defendant Maurice Jones.<sup>11</sup>

33. In the months prior to August 12, 2017, Antifa internet threats reached a fever pitch.

34. Video was posted to YouTube of Antifa members firing live ammunition at targets painted with Alt-Right symbols.<sup>12</sup>

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violent-as-protesters-clash-with-the-presidents-supporters/?utm\_term=.7547bc18d0bd

<sup>5</sup> <http://www.npr.org/sections/thetwo-way/2017/05/02/526532023/portland-police-arrest-25-saying-a-may-day-rally-devolved-into-riot>

<sup>6</sup> <https://www.nbc29.com/story/35847760/4-facing-felony-charge-following-kkk-groups-justice-park-rally>

<sup>7</sup> Independent Review of the 2017 Protest Events in Charlottesville VA (“Heaphy Report”) at p. 57.

<sup>8</sup> Id. at p. 54.

<sup>9</sup> Id. at p. 64. Defendant Thomas stated “I’m not going to get them (Alt-Right persons) in and out again” in specific reference to Plaintiffs August 12, 2017 Unite the Right Rally.

<sup>10</sup> McAuliffe, Beyond Charlottesville; p. 64-65; Kindle Desktop version (2019).

<sup>11</sup> August 7, 2017 email from Al Thomas to Maurice Jones with link to article of how Antifa attacked Alt-Right persons in Portland OR in August 2017.

35. Antifa group “Redneck Revolt” posted a “Call to Arms” to the internet. In it they called for Antifa groups to come to the Unite the Right rally and “dust off the guns of 1921”, referring to an incident in 1921 where armed Communists murdered military and law enforcement personnel.<sup>13</sup>

36. Antifa group “South Side ARA” encouraged their members to punch Alt Right presenter and scheduled speaker Richard Spencer.<sup>14</sup>

37. The Philly Antifa (AKA Philly ARA) website called for “direct confrontation” and advised their supporters that offensive violence is “completely legal” because “the best defense is a good offense”. They called for Plaintiff’s rally and other similar rallies to be shut down and their political opponents to be “completely neutralized on the streets”.<sup>15</sup>

38. Referencing, among others, Plaintiff Jason Kessler, Showing Up for Racial Justice Charlottesville urged their supporters to, ““Know a Nazi, see a Nazi, punch a Nazi.”<sup>16</sup>

39. Antifa of the Seven Hills published an image with the names of Alt-Right speakers Jason Kessler, Richard Spencer, Matthew Heimbach and Nathan Damigo with an incitement to “Destroy white supremacy (sic) and its actors.”<sup>17</sup>

40. Other Antifa violent rhetoric threatening Plaintiffs rally includes, but is not limited to, “take up their space and disrupt their rally”<sup>18</sup>, break Richard Spencer’s arm<sup>19</sup>, “Punch a Nazi” and “Kill your local Nazi scum”<sup>20</sup>, “Trump supporters will get that ass whipped”<sup>21</sup>, and “Gulag all Trump supporters”.<sup>22</sup>

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<sup>12</sup> <https://www.youtube.com/watch?v=CywFbSdMVx0>

<sup>13</sup> <https://www.redneckrevolt.org/single-post/CALL-TO-ARMS-FOR-CHARLOTTESVILLE>

<sup>14</sup> [https://twitter.com/Chicago\\_ARA/status/866140378575011841](https://twitter.com/Chicago_ARA/status/866140378575011841)

<sup>15</sup> <https://web.archive.org/web/20170817041157/https://phillyantifa.org/frequently-asked-questions-suggested-readingsvideos-start-here/>

<sup>16</sup> [https://web.archive.org/web/20190501185721/https://twitter.com/SURJ\\_Cville/status/864527150375993346](https://web.archive.org/web/20190501185721/https://twitter.com/SURJ_Cville/status/864527150375993346)

<sup>17</sup> [https://twitter.com/ash\\_Antifa/status/895661737793519616](https://twitter.com/ash_Antifa/status/895661737793519616)

<sup>18</sup> <https://www.facebook.com/al.shiflett/posts/10155019884633155>

<sup>19</sup> <https://www.facebook.com/RefuseFascism/posts/1731016153859060>

<sup>20</sup> <https://www.instagram.com/p/BbqYfXQjFT0/>

<sup>21</sup> [https://web.archive.org/web/20190502230059/https://twitter.com/corey\\_lemley/status/736358087368400897](https://web.archive.org/web/20190502230059/https://twitter.com/corey_lemley/status/736358087368400897)

<sup>22</sup> [https://web.archive.org/web/20190502230728/https://twitter.com/corey\\_lemley/status/911649260629786624](https://web.archive.org/web/20190502230728/https://twitter.com/corey_lemley/status/911649260629786624)

41. Prior to August 12, 2017 Defendants were briefed by regional law enforcement on what Antifa groups were expected to show up in Charlottesville on August 12, 2017. At least six known Antifa organizations were identified by law enforcement as planning to be in Charlottesville on August 12, 2017. At least two of the groups were headquartered in or geographically affiliated with Charlottesville.

42. Prior to August 12, 2017 Defendants had received intelligence that Antifa would be in attendance and planning to engage in violence by throwing soda cans filled with concrete.<sup>23</sup>

43. At the actual “Unite the Right” (“UTR”) event on August 12, 2017 Chief Thomas and Lt. Crannis-Curl were present in a supervisory capacity. Chief Thomas supervised all Charlottesville police officers on scene and Lt. Crannis-Curl supervised all VSP present.

44. Chief Thomas ordered Charlottesville police not to intervene at the Unite the Right Rally and to allow Antifa to impose a heckler’s veto on Plaintiffs political speech.

45. On July 8, 2017 the Charlottesville police had done their jobs and separated political speakers from violent Antifa. On July 8, 2017 Charlottesville police did their jobs and prevented a heckler’s veto. They were thanked by being assaulted and spit on by Antifa.

46. After July 8, 2017, Chief Thomas made it very clear his police would not be permitted to do their jobs and prevent Antifa from imposing a heckler’s veto on August 12, 2017.

47. After July 8, 2017 Chief Thomas told his subordinates ““I’m not going to get [Alt-Right] in and out” during the UTR rally. Chief Thomas’ meaning was clear. He would not permit his police officers to prevent Antifa from violently imposing a heckler’s

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<sup>23</sup> Heaphy Report p.187

veto again.

48. A third-party report commissioned by the City after August 12 found that “Rather than engage the crowd and prevent fights, the [Charlottesville police department] plan was to declare the event unlawful and disperse the crowd.”<sup>24</sup>

49. Charlottesville police officers received the orders implementing Defendants unlawful scheme loud and clear.

50. Charlottesville Officers told third party investigators that they had been ordered not to engage over “every little thing”; not to “go in and break up fights”; not to interrupt “mutual combat”; and officers were not to be sent out among the crowd where they might get hurt.<sup>25</sup>

51. During the August 12, 2017 event, Chief Thomas stuck with the unlawful plan to permit a heckler’s veto. Upon being advised that violence had broken out the Chief stated “Let them fight, it will make it easier to declare an unlawful assembly.”<sup>26</sup>

52. Charlottesville police did indeed, and pursuant to Defendants unlawful orders, “let them fight”.

53. Tom Keenan of Antifa group Philly ARA sprayed mace at Alt-Right protesters.<sup>27</sup> Tom Massey of Philly ARA indiscriminately sprayed mace into a crowd of Alt-Right protesters<sup>28</sup> and beat Alt-Right demonstrators with canes on several different occasions.<sup>29</sup>

54. Keenan and Massey later distinguished themselves by assaulting Hispanic Marines in Philadelphia while calling the Marines “spic” and “wetback”.<sup>30</sup> They currently face

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<sup>24</sup> Heaphy Report p.98

<sup>25</sup> Heaphy Report p. 98

<sup>26</sup> Heaphy Report p. 133

<sup>27</sup> <https://www.youtube.com/watch?v=xsHWU-hCEDI>

<sup>28</sup> <https://www.youtube.com/watch?v=MtpVu-UBc5Y>

<sup>29</sup> <https://www.youtube.com/watch?v=k1L974le73k>; [https://www.youtube.com/watch?v=7xxKh7L\\_PGA](https://www.youtube.com/watch?v=7xxKh7L_PGA)

<sup>30</sup> <https://www.phillymag.com/news/2018/12/13/marines-assaulted-philadelphia-keenan-massey-antifa/>



felony charges in Pennsylvania.

55. Don Gathers, co-founder of Black Lives Matter Charlottesville, bludgeoned an Alt-Right demonstrator using a stick,<sup>31</sup> Daryle Lamont Jenkins slapped an Alt-Right demonstrator,<sup>32</sup> Corey Lemley attacked a man with an Antifa themed baseball bat,<sup>33</sup> and Alexandra Shiflett threw bricks and bottles at demonstrators.<sup>34</sup>

56. Antifa group Refuse Fascism demonstrators used picket signs to hit Alt Right attendees on Market Street outside Emancipation Park.<sup>35</sup> Brent Betterly of Antifa group South Side ARA released mace into a crowd of people and later hit an Alt-Right demonstrator with a metal pipe.<sup>36</sup>

57. In one incident, captured on video, a citizen was knocked to the ground with a sucker punch by Brian Bozicek of Philly ARA. Once on the ground he was smothered and punched by Kristopher Goad from Antifa of the Seven Hills, kicked in the head by Tom Massey of Philly ARA and clubbed in the head with an expandable asp baton by Lindsey Moers, also Philly ARA.<sup>37</sup>

58. Luis Oyola of Antifa group Anarchist People of Color stated “(Antifa) were successful in drawing (Alt-Right demonstrators) away from the park. And, um, make them more vulnerable. As that happened many people were in the line of fire of projectiles, of pepper spray, of tear gas, and a lot of people were hurt and beaten on both sides.”<sup>38</sup>

59. At one point a citizen begged police to do something while fighting broke out directly in front of Charlottesville police officers. The fighting had started when Antifa

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<sup>31</sup> <https://www.youtube.com/watch?v=sP8KO9ZsZpA>

<sup>32</sup> <https://www.youtube.com/watch?v=Vj9BWu6Qdps>

<sup>33</sup> <https://www.facebook.com/watch/?v=1419096424792391>

<sup>34</sup> <https://youtu.be/3-KOUxTIdUE>

<sup>35</sup> <https://youtu.be/77AuzljnQB4>

<sup>36</sup> Betterly images attached

<sup>37</sup> <https://www.youtube.com/watch?v=j6iQGoE2ynE>

<sup>38</sup> <https://web.archive.org/web/20190718075500/https://crimethinc.com/podcasts/the-ex-worker/episodes/56/transcript>

crowded around a park entrance and refused Alt-Right attendees' access to the rally location. The officers simply stood in silence staring at the results of this in progress heckler's veto.

60. After the August 12<sup>th</sup> events, Charlottesville police stated they feared "retaliation" from Chief Thomas if they provided truthful information about August 12.<sup>39</sup>

61. Defendant Maurice Jones was the City Manager for Charlottesville VA at all relevant times and as such was Charlottesville's final policy maker. Maurice Jones communicated with Al Thomas, specifically about Antifa, prior to August 12, 2017. Maurice Jones knew of and approved of Al Thomas' orders that his police not prevent Antifa from violently imposing a heckler's veto on the Alt-Right on August 12, 2017.

62. Maurice Jones was present in the government "command center" together with Chief Thomas and several others on August 12. Maurice Jones heard Al Thomas say "let them fight it will make it easier to declare an unlawful assembly."

63. Maurice Jones did not order Chief Thomas to abandon his unlawful scheme and prevent Antifa from violently imposing a heckler's veto. Maurice Jones did not fire Al Thomas so real police officers could do their jobs. Maurice Jones agreed with and authorized Al Thomas' plan to permit the heckler's veto and did so both before and during August 12<sup>th</sup>. Maurice Jones acquiesced in Al Thomas's plan to permit the heckler's veto before and during August 12, 2017.

64. Defendant Becky Crannis-Curl allowed the heckler's veto as soon as people began arriving for the UTR event. She advised fellow law enforcement that she was going "off-plan" and refused to send Virginia State Police ("VSP") "arrest teams" into the street.<sup>40</sup>

65. Lt. Crannis-Curl effectively communicated this order to all VSP under her command.

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<sup>39</sup> Heaphy Report p. 14.

<sup>40</sup> Heaphy Report p.121.

66. Other VSP troopers advised Charlottesville police that they would not send VSP troopers to engage the crowd “if safety was compromised.” Still other VSP officers advised either citizens or City police they were “under orders” not to intervene or “not to break up fights.”<sup>41</sup>

67. So strictly did VSP adhere to this non-intervention order that even when citizens directly begged for help the VSP refused stating they were “not available” to help.<sup>42</sup>

68. Both Charlottesville and VSP officers were under similar, if not identical, orders to permit the Antifa to violently impose a heckler’s veto upon the Plaintiffs.

69. On August 12. While Antifa was actively and violently imposing a heckler’s veto upon the Plaintiffs, a woman approached a police barricade and got Charlottesville Officer Ernest Johnston’s attention. She asked, “Are you going to engage the crowd at all?” “Not unless I get a command to,” Officer Johnson responded. “Even if there are people physically hurting one another?” she asked. “If I’m given the command to act, yes ma’am, I will.” She repeated her question, and he gave the same answer: he would engage if and when he was commanded to do so.<sup>43</sup>

70. A man who witnessed the heckler’s veto in progress asked VSP troopers why they weren’t doing anything to restore order. The trooper replied, “Our policy today is that we cannot get involved in every skirmish, and we are here to protect the public’s safety.” The man was incredulous that VSP would allow the fights to go on, but the trooper reiterated, “That is our policy.”<sup>44</sup>

71. On August 12 , 2017 Antifa assembled on Market Street between 1<sup>st</sup> and 2d Streets in Charlottesville. Market Street were the only entrances to the park not blocked by law enforcement.

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<sup>41</sup> Heaphy Report p.122

<sup>42</sup> Heaphy Report p. 122

<sup>43</sup> Heaphy Report p. 132

<sup>44</sup> Heaphy Report p. 132.

72. Plaintiff Jason Kessler attempted to enter from the so-called backside of the park at Jefferson and 2nd Street. He believed that is where he was supposed to enter pursuant to instructions from police. He was prevented from doing so by VSP barricades which the troopers refused to move. Mr. Kessler advised the troopers he was the event organizer and permit holder, but they still did not let him enter the park. Rather, he was told he had to enter by walking past Antifa on Market Street.

73. Mr. Kessler walked toward Market Street and saw the skirmishes between Alt-Right trying to enter the park and Antifa trying to impose a heckler's veto.

74. Mr. Kessler was able to negotiate his way through the crowd and enter the park.

75. Once in the park Mr. Kessler approached the speaker's area of the park which was also blockaded by VSP. VSP advised he could not enter the speaker's area to prepare for his rally until Charlottesville police said he could. No Charlottesville police were available in that area to consult.

76. Shortly thereafter law enforcement declared an "unlawful assembly" and all persons were ordered to leave the park. Mr. Kessler protested that he had a permit and should be allowed to stay. Plaintiff Kessler was again ordered out of the park. He complied, told as many Alt-Right supporters as he could to leave the park and proceed to a nearby location, and left without incident.

77. Plaintiff David Matthew Parrott walked up Market Street with a group of alts-right event supporters. Mr. Parrott attempted to communicate with several officers after entering the park regarding the Antifa violence. None were cooperative. Mr. Parrott, was entirely surrounded by violent antifa and the Charlottesville Police Department would not cooperate to halt or attempt to halt the ongoing Antifa violent heckler's veto. Mr. Parrott focused on medical aid to the dozens of injured Alt-Right attendees while in the park,

encouraged people to refrain from violence and maintain a secure perimeter around the event. When the "unlawful assembly" was declared, Mr. Parrott walked up to the Confederate statue on the hill to achieve a better vantage point for planning his group's exit from the park. While attempting to do so, Mr. Parrott was arrested, detained, and transported to the jail, which was located adjacent to his parking garage.

78. Plaintiff Jason Kessler had a lawful permit to hold the Unite the Right Rally at the former Lee Park in Charlottesville on August 12, 2017. Plaintiffs First Amendment right to free speech was violated by a violent Antifa led heckler's veto. Plaintiff Kessler was prevented from speaking, hearing other speakers, and demonstrating in support of his political opinions. Defendants knew Antifa would appear and attempt to shut down the Unite the Right rally. Defendants illegally permitted the heckler's veto and then used the chaos caused by Antifa to shut down Plaintiffs rally. Defendants engaged in the misconduct listed above due to public hostility to the content of Plaintiffs speech.

79. Plaintiff David Matthew Parrott had a legal right to attend and participate in the Unite the Right Rally at the former Lee Park in Charlottesville on August 12, 2017. Plaintiffs First Amendment right to free speech was violated by a violent Antifa led heckler's veto. Plaintiff Parrott was prevented from speaking, hearing other speakers, and demonstrating in support of his political opinions. Defendants knew Antifa would appear and attempt to shut down the Unite the Right rally. Defendants illegally permitted the heckler's veto and then used the chaos caused by Antifa to shut down Plaintiffs rally. Defendants engaged in the misconduct listed above due to public hostility to the content of Plaintiffs speech.

80. After the unlawful assembly declaration South Side ARA took to social media to celebrate spraying a Unite the Right speaker with mace and bragged about "the

beating we dealt them with our bare hands in the street.”<sup>45</sup>

81. Antifa protestor Corey Lemley posted a picture of a Unite the Right demonstrator being punched in the face along with the violent commentary, “Open those eyes when you catch these hands.”<sup>46</sup>

82. At a symposium on the Unite the Right rally, Black Lives Matter Charlottesville co-founder Jalane Schmidt bragged, “Well we’re trying to chase those folks out. That’s what we’re about.”<sup>47</sup>

83. Redneck Revolt leader Dwayne Dixon boasted about his role on August 12<sup>th</sup> as, “...physically fighting: kicking, striking, bloodying, cracking heads. I mean bloody, ugly things that I would never wish but we need people with this moral clarity and determination.”<sup>48</sup>

**COUNT I**  
**First Amendment – Heckler’s Veto**  
**(Against Al S. Thomas)**

84. The preceding paragraphs are incorporated herein by reference.

85. Defendant Thomas ordered Charlottesville police officers to allow Antifa to impose a heckler’s veto upon the Plaintiff.

86. Defendant Thomas’s misconduct was taken under color of state law and was willful, wanton, malicious, and/or deliberately indifferent to the constitutional rights of the Plaintiffs.

87. As a direct and proximate result of Defendant’s violation of the Plaintiff’s First Amendment rights, Plaintiffs have suffered irreparable harm, including the loss of their

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<sup>45</sup>[https://web.archive.org/web/20190423193625/https://twitter.com/Chicago\\_ARA/status/896902376791191553](https://web.archive.org/web/20190423193625/https://twitter.com/Chicago_ARA/status/896902376791191553)

<sup>46</sup> <https://www.facebook.com/corey.lemley1012/posts/133884094369020>

<sup>47</sup> <https://www.soundcloud.com/user-458357165/faith-in-the-struggle-a-panel-on-christianity-and-white-supremacy-in-charlottesville>

<sup>48</sup> [https://www.youtube.com/watch?v=U0dgg9dXLm0&feature=player\\_embedded](https://www.youtube.com/watch?v=U0dgg9dXLm0&feature=player_embedded)

fundamental constitutional rights to First Amendment freedom of speech and expression and right to be free of a heckler's veto.

88. Defendant Thomas is liable to the Plaintiffs pursuant to 42 U.S.C. § 1983.

**COUNT II**  
**First Amendment – Heckler's Veto**  
**(Against Becky Crannis-Curl)**

89. The preceding paragraphs are incorporated herein by reference.

90. Defendant Crannis-Curl ordered Virginia State Troopers to allow Antifa to impose a heckler's veto upon the Plaintiff.

91. Defendant Crannis-Curl's misconduct was taken under color of state law and was willful, wanton, malicious, and/or deliberately indifferent to the constitutional rights of the plaintiffs.

92. As a direct and proximate result of Defendant's violation of the Plaintiff's First Amendment rights, Plaintiffs have suffered irreparable harm, including the loss of their fundamental constitutional rights to First Amendment freedom of speech and expression and right to be free of a heckler's veto.

93. Defendant Crannis-Curl is liable to the Plaintiffs pursuant to 42 U.S.C. § 1983.

**COUNT III**  
**First Amendment – Heckler's Veto**  
**(Against Maurice Jones)**

94. The preceding paragraphs are incorporated herein by reference.

95. Defendant Jones ordered and/or acquiesced in and/or approved Defendant Al Thomas's plan to allow Antifa to impose a heckler's veto on the Plaintiffs Unite the Right

rally and then use the resulting chaos as an excuse to declare an unlawful assembly.

96. Defendant Jones's misconduct was taken under color of state law and was willful, wanton, malicious, and/or deliberately indifferent to the constitutional rights of the plaintiffs.

97. As a direct and proximate result of Defendant's violation of the Plaintiff's First Amendment rights, Plaintiffs have suffered irreparable harm, including the loss of their fundamental constitutional rights to First Amendment freedom of speech and expression and right to be free of a heckler's veto.

98. Defendant Jones is liable to the Plaintiffs pursuant to 42 U.S.C. § 1983.

**COUNT IV**  
**Monell Claim**  
**(Against City of Charlottesville)**

99. The preceding paragraphs are incorporated herein by reference.

100. Defendant Maurice Jones was the City Manager of Charlottesville, VA at all relevant times.

101. As a matter of state law Maurice Jones was the final policymaker for Charlottesville VA at all relevant times and set policy for the Charlottesville regarding the relevant events.

102. The City of Charlottesville VA is therefore liable for Maurice Jones's misconduct as described above.

103. Defendant Jones's misconduct was taken under color of state law and was willful, wanton, malicious, and/or deliberately indifferent to the constitutional rights of the plaintiffs.

104. As a direct and proximate result of Defendant's violation of the Plaintiff's First Amendment rights, Plaintiffs have suffered irreparable harm, including the loss of their fundamental constitutional rights to First Amendment freedom of speech and expression and



right to be free of a heckler's veto.

105. The City of Charlottesville is liable to the Plaintiffs pursuant to 42 U.S.C. § 1983 and Monell v. Department of Social Services, 436 U.S. 658 (1978).

**COUNT V**  
**Supervisory Liability**  
**(Against Al S. Thomas)**

106. The preceding paragraphs are incorporated herein by reference.

107. Defendant Thomas was supervising all Charlottesville police officers at all relevant times.

108. Defendant Thomas affirmatively caused the Charlottesville police to fail in their duty to not participate in, cause, or acquiesce in Antifa's heckler's veto of the Plaintiffs.

109. Defendant Thomas omitted to perform his duty of not allowing Antifa to impose a heckler's veto on the Plaintiff's event.

110. Defendant Thomas's misconduct was taken under color of state law and was willful, wanton, malicious, and/or deliberately indifferent to the constitutional rights of the plaintiffs.

111. As a direct and proximate result of Defendant's violation of the Plaintiff's First Amendment rights, Plaintiffs have suffered irreparable harm, including the loss of their fundamental constitutional rights to First Amendment freedom of speech and expression and right to be free of a heckler's veto.

112. Defendant Thomas is liable to the Plaintiffs pursuant to 42 U.S.C. § 1983.

**COUNT VI**  
**Supervisory Liability**

**(Against Becky Crannis-Curl)**

113. The preceding paragraphs are incorporated herein by reference.

114. Defendant Crannis-Curl was supervising all Virginia State Troopers at all relevant times.

115. Defendant Crannis-Curl affirmatively caused the Virginia State Troopers to fail in their duty to not participate in, cause, or acquiesce in Antifa's heckler's veto of the Plaintiffs.

116. Defendant Crannis-Curl omitted to perform her duty of not allowing Antifa to impose a heckler's veto on the Plaintiff's event.

117. Defendant Crannis-Curl's misconduct was taken under color of state law and Was willful, wanton, malicious, and/or deliberately indifferent to the constitutional rights of the plaintiffs.

118. As a direct and proximate result of Defendant's violation of the Plaintiff's First Amendment rights, Plaintiffs have suffered irreparable harm, including the loss of their fundamental constitutional rights to First Amendment freedom of speech and expression and right to be free of a heckler's veto.

119. Defendant Crannis-Curl is liable to the Plaintiffs pursuant to 42 U.S.C. § 1983.

**WHEREFORE**, Plaintiffs demand judgment against the Defendants as follows:

- A. To award Plaintiffs compensatory damages in an amount to be shown at trial against all defendants;
- B. Punitive damages against all individual capacity defendants;
- C. Costs incurred in this action;
- D. Reasonable attorney fees;

- E. Prejudgment interest;
- F. Such other and further relief as the Court may deem just and proper.

Respectfully Submitted,

s/ Elmer Woodard

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s/

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*PHV Pending*